UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,032	12/18/2003	Bruce M. Potter	POU920030155US1	1732

46369   7590   05/12/2008
HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER
SHIN, KYUNG H

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
05/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 March 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 - 3, 5 - 20_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1 - 3, 5 - 20_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/5/2008 has been entered.

2.   This application was filed on **12-18-2003**. Claims **1 - 3, 5 - 20** are pending. Claims **1, 11, 16** have been amended. Claim **4** has been cancelled. Claims **1, 11, 16** are independent.

Response to Arguments

3.   Applicant's arguments filed 3/5/2008 have been fully considered but are moot due to the new grounds of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4.   Claims **1 - 3, 5, 7 - 13, 15 - 18, 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bautista-Lloyd et al.** (US PGPUB No. **20020152239**) in view of **Rees** (US PGPUB No. **20040098493**).

Regarding Claims 1, 11, Bautista-Lloyd discloses a method, system of updating event

data on a page of a computing environment, said method comprising:

automatically, periodically retrieving by the browser server event data using a

refresh capability of a page displayed by the browser; (Bautista-Lloyd para 004, ll 6-

14:); and the event data being updated information associated with only a portion of

the data frame (Bautista-Lloyd para 041, ll 1-16: transfer only the data needed to

update those fields or areas of the page having new data; only new updated data is

transferred the browser does not redraw the entire page contents in the page); and

updating by the browser a portion of the data frame of the page with event data

automatically retrieved using the refresh frame, the updating including employing

code understood natively by the browser (Bautista-Lloyd para 044, ll 1-8:

implementations includes a web browsers displaying a web page having multiple

HTML frames; para 045, ll 1-2: web browsers capable of rendering HTML or XML

data (code understood by web browsers)), wherein the portion of the data frame

updated is the portion of the data frame to which the event data is associated, and

comprises at least one element of the data frame selectively chosen based on the

event data (Bautista-Lloyd para 007, ll 7-14: server detect state changes (event

data) and queue information; event data selected based on change to event data),

the portion of the data frame updated being less than the entire data frame.

(Bautista-Lloyd para 041, ll 11-16: browser does not redraw the entire page)

Bautista-Lloyd does not explicitly discloses whereby the refresh frame being part of

a frameset including the refresh frame and a data frame, the refresh frame being a

hidden, zero-width frame and the data frame being a visible frame including an

application interface.

However, Rees discloses:

a) a refresh frame of a page displayed by the browser, the refresh frame being part

of a frameset of the browser, the frameset including the refresh frame and a data

frame, the refresh frame being a hidden, zero-width frame and the data frame

being a visible frame including an application interface; (Rees para 017, ll 1-7;

para 017, ll 18-21; para 019, ll 1-4; para 064, ll 1-5: refresh, hidden refresh frame,

data frame, only portion of web page (frame) updated is processed) and

b) using the refresh frame, the updating including employing code understood

natively by the browser. (Rees para 017, ll 1-7; para 017, ll 18-21; para 019, ll 1-

4; para 064, ll 1-5: refresh, hidden refresh frame, data frame, only portion of web

page (frame) updated is processed)

It would have been obvious to one of ordinary skill in the art to modify Bautista-

Lloyd for the refresh frame being part of a frameset including the refresh frame and a

data frame, the refresh frame being a hidden, zero-width frame and the data frame

being a visible frame including an application interface as taught by Rees.   One of

ordinary skill in the art would have been motivated to employ the teachings of Rees

in order to enable the capability for efficient processing of refresh information based

on refreshing only the required frame. (Rees para 017, ll 9-21: " ... *When the agent*

does not want to change the Web page seen by the client, only one of the pair of

frames (the one containing the refresh instruction) is transmitted to the client in

response to the request from the client so the information which the client sees does

not change. However, since that refresh instruction is a request to retrieve data from

a particular site, if the agent changes the site corresponding to that refresh

instruction, the client will be presented with a different Web page at the next refresh

operation. The refresh instruction will then cycle, refreshing only the frame with the

refresh instruction until the agent again changes the data to which the refresh

operation is directed. ... ")

Regarding Claims 2, 12, 17, Bautista-Lloyd discloses the method, system, program

storage device of claims 1, 11, 16, wherein said code understood natively by the

browser comprises code supported by an interpreter built into the browser as originally

configured. (Bautista-Lloyd para 016, ll 3-7: computer architecture utilized Java

servlets; Java language (natively understood by browser))

Regarding Claim 3, Bautista-Lloyd discloses the method of claim 1, wherein said code

understood natively by the browser comprises JavaScript code. (Bautista-Lloyd para

016, ll 3-7: computer architecture utilized Java servlets; Java language (natively

understood by browser); para 035, ll 13-21: the update servlet generates a script or

small program to apply the content updates)

Regarding Claims 5, 13, 18, Bautista-Lloyd discloses the method, system, program

storage device of claims 1, 11, 16, wherein the frameset comprises a plurality of data

frames, and the automatically, periodically retrieving comprises associating with the

refresh frame a parameter that identifies one data frame of the plurality of data frames

for which server event data is to be retrieved. (Bautista-Lloyd para 021, ll 17-19:

includes a frame identifier identifying a frame within the page)

Regarding Claim 7, Bautista-Lloyd discloses the method of claim 1, wherein said

automatically, periodically retrieving further comprises periodically requesting, by the

refresh frame, the server to refresh the refresh frame. (Bautista-Lloyd para 004, ll 6-14;

para 035, ll 1-6: dynamic content is frequently changing, web browser will periodically

request further data from the server; web browser will automatically submit additional

HTTP GET requests at specified time intervals and update dynamic content (refresh

capability))

Regarding Claims 8, 15, Bautista-Lloyd discloses the method, system of claims 5, 13,

wherein said periodically retrieving further comprises:

   a) detecting the event data; (Bautista-Lloyd para 007, ll 7-8: server detects state

      changes (change in event data) and queue information on state changes)

   b) sending, responsive to the detecting, the event data to the browser via the

      server; (Bautista-Lloyd para 007, ll 8-10: server generates an update package

      including content and sends the update package to the client (browser)) and

   c) wherein the detecting and the sending are performed automatically by an

      application coupled to the server irrespective of a manual request by a user for at

least one of the periodically retrieving and the updating. (Bautista-Lloyd para

004, ll 6-14: dynamic content periodically refreshed; meta-refresh tag to cause

the client web browser to automatically submit additional HTTP get requests;

para 035, ll 1-6: metatag parameter to invoke automatically, periodically the

refresh operation for frames)

Regarding Claim 9, Bautista-Lloyd discloses the method of claim 1, wherein said

periodically retrieving the event data (Bautista-Lloyd para 004, ll 6-14: dynamic content

periodically refreshed; meta-refresh tag used to automatically submit additional HTTP

get requests; para 035, ll 1-6: metatag parameter invokes automatically, periodically

refresh operation for frames) further comprises receiving the event data at the browser

within the code understood natively by the browser to be used to update the portion of

the data frame, wherein the code is generated by the application. (Bautista-Lloyd para

036, ll 1-5: logic embedded in the code of the concatenated scripts to cause the browser

to update specific fields in application panes of the frames with the update data)

Regarding Claim 10, Bautista-Lloyd discloses the method of claim 1, wherein said

updating the portion of said data frame further comprises executing the code by the

browser to update the portion of the data frame. (Bautista-Lloyd para 036, ll 1-5: logic

embedded in the code of the concatenated scripts to cause the browser to update

specific fields in application panes of the frames with the update data; para 037, ll 11-

14: code to cause browser to apply updates to only those fields for which new property

or status information is available)

Regarding Claim 16, Bautista-Lloyd discloses at least one program storage device

readable by a machine, tangibly embodying at least one program of instructions

executable by the machine to perform a method of updating event data on a page of a

computing environment, said method comprising:

   automatically, periodically retrieving by a browser server event data using a refresh

   process of a page displayed by the browser; (Bautista-Lloyd para 004, ll 6-14:

   dynamic content is frequently changing, web browser will periodically request further

   data from the server; web browser will automatically submit additional HTTP GET

   requests at specified time intervals and update dynamic content (refresh capability));

   and the event data being updated information associated with only a portion of the

   data frame; (Bautista-Lloyd para 041, ll 1-16: transfer only the data needed to

   update those fields or areas of the page having new data; only new updated data is

   transferred the browser does not redraw the entire page contents in the page) and

   updating by the browser only the portion of the data frame of the page with event

   data automatically retrieved, wherein the portion of the data frame updated is the

   portion of the data frame to which the event data is associated, and comprises at

   least one element of the data frame selectively chosen based on the event data, the

   portion of the data frame updated being less than the entire data frame. (Bautista-

   Lloyd para 041, ll 11-16: browser does not redraw the entire page)

Bautista-Lloyd does not explicitly disclose whereby the refresh frame and a data frame, the refresh frame being a hidden, zero-width frame and the data frame being a visible frame including an application interface.

However, Rees discloses:

a) using a refresh frame of a page displayed by the browser, the refresh frame being part of a frameset of the browser, the frameset including the refresh frame and a data frame, the refresh frame being a hidden, zero-width frame and the data frame being a visible frame including an application interface; (Rees para 017, ll 1-7; para 017, ll 18-21; para 019, ll 1-4; para 064, ll 1-5: refresh, hidden refresh frame, data frame, only portion of web page (frame) updated is processed) and

b) using the refresh frame, the updating including employing code understood natively by the browser. (Rees para 017, ll 1-7; para 017, ll 18-21; para 019, ll 1-4; para 064, ll 1-5: refresh, hidden refresh frame, data frame, only portion of web page (frame) updated is processed)

It would have been obvious to one of ordinary skill in the art to modify Bautista-Lloyd for the refresh frame being part of a frameset including the refresh frame and a data frame, the refresh frame being a hidden, zero-width frame and the data frame being a visible frame including an application interface as taught by Rees. One of ordinary skill in the art would have been motivated to employ the teachings of Rees in order to enable the capability for efficient processing of refresh information based on refreshing only the required frame. (Rees para 017, ll 9-21)

Regarding Claim 20, Bautista-Lloyd discloses the at least one program storage device

of claim 18, wherein said periodically retrieving further comprises:

a) detecting the event data; (Bautista-Lloyd para 007, ll 7-8: server detects state

changes (change in event data) and queue information on state changes)

b) sending responsive to the detecting, the event data to the browser via the server;

(Bautista-Lloyd para 007, ll 8-10: server generates an update package including

content and sends the update package to the client (browser)) and

c) wherein the detecting and the sending are performed automatically by an

application coupled to the server irrespective of a manual request by a user for at

least one of the periodically retrieving and the updating. (Bautista-Lloyd para

004, ll 6-14: dynamic content periodically refreshed; meta-refresh tag to cause

the client web browser to automatically submit additional HTTP get requests;

para 035, ll 1-6: metatag parameter to invoke automatically, periodically the

refresh operation for frames)

5.   Claims **6, 14, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bautista-Lloyd-Rees and further in view of **Tuttle et al.** (US Patent No. **7,043,525**).

Regarding Claims 6, 14, 19, Bautista-Lloyd discloses the method, system, program

storage device of claims 5, 13, 18, further comprising subsequently calling by the one

data frame the retrieving of event data for that data frame. (Bautista-Lloyd para 007, ll

7-8: server detects state changes (change in event data) and queue information on

state changes, retrieving of state changes (event data); para 015, ll 9-16: download and

render a page of content; content in each frame can be updated independently of other

frames) Bautista-Lloyd does not explicitly disclose a function to stop the retrieving of

event data for that data frame. However, Tuttle discloses wherein function to stop the

retrieving of event data for that data frame. (Tuttle col 6, ll 23-30: objects is data at the

client that can be individually identified such as … , frames, … and other information …

embedded in the web page; col 11, ll 48-58: client no longer desires to receive update

messages, the client preferably closes the connection with the routing network; client

sends messages to the routing network that selectively register and/or de-register the

client from one or more objects (function to stop update), leaves connection open to

receive updates messages pertaining to other objects)

It would have been obvious to one of ordinary skill in the art to modify Bautista-

Lloyd to stop the retrieving of event data for that data frame as taught by Tuttle. One of

ordinary skill in the art would have been motivated to employ the teachings of Tuttle in

order to utilize bandwidth efficiently because the update messages are provided to the

clients only when the live objects change. (Tuttle col 3, ll 17-21: " … The routing

network maintains the mappings between the live objects and the clients that are

currently displaying them. This routing utilizes bandwidth efficiently because the update

messages are provided to the clients only when the live objects change. … ")

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYUNG H. SHIN whose telephone number is (571)272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. FLYNN can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyung Hye Shin
Examiner
Art Unit 2143

KHS
May 3, 2008

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154